

AMENDED IN ASSEMBLY JUNE 3, 2010

AMENDED IN SENATE MARCH 16, 2010

**SENATE BILL**

**No. 886**

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**Introduced by Senator Florez**

January 19, 2010

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An act to add Section 12301.26 to the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 886, as amended, Florez. In-home supportive services providers: electronic timekeeping.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Counties are responsible for administering the program.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons, including specified in-home services. Under existing law, IHSS recipients who are eligible for the Medi-Cal program, are provided with personal care option services, as defined, in lieu of receiving these services under the IHSS program.

Under existing law, the State Department of Social Services is required, in consultation and coordination with county welfare departments, to establish and implement statewide hourly task guidelines

and instructions to provide counties with a standard tool for consistently and accurately assessing service needs and authorizing service hours to meet those needs.

This bill would authorize ~~the providers of a county human services department responsible for administering~~ specified in-home services, *at its option*, to use electronic timekeeping, as defined, for purposes of verifying hours completed and ensuring quality home care for in-home recipients, as defined. *The bill would authorize a provider of the specified services to retain the option of using paper timesheets, as specified.*

This bill would *authorize the State Department of Social Services to implement and administer the bill through all-county letters or similar instructions from the director, as specified.* The bill would provide that, if any part of ~~this~~ the bill conflicts with federal requirements prescribing conditions for the allocation of federal funds to the state, the conflicting part shall not be implemented, solely to the extent of the conflict.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12301.26 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 12301.26. (a) For purposes of this section, the following terms
- 4 shall have the following meanings:
- 5 (1) "Electronic" means a telephone-based interactive voice
- 6 response or web-based interactive technology with the ability to
- 7 allow users to interface directly with case management systems
- 8 using telephone or the Internet.
- 9 (2) "Electronic timekeeping" means an electronic and verifiable
- 10 method for providers to input their payroll timesheets directly,
- 11 using a telephone-based interactive voice response or web-based
- 12 technology that both identifies a provider and accurately records
- 13 the timekeeping of that provider ~~for the recipient's visit.~~
- 14 (3) "Recipient" means a person who has been deemed eligible
- 15 to receive in-home supportive services pursuant to this article, *or*
- 16 personal care services pursuant to Section 14132.95, ~~home medical~~
- 17 ~~care services pursuant to subdivision (s) of Section 14132, or other~~
- 18 ~~home- and community-based Medi-Cal program services for which~~

1 a waiver has been granted pursuant to subdivision (t) of Section  
2 14132.

3 ~~(b) A provider of services described in paragraph (3) of~~  
4 ~~subdivision (a) may use electronic timekeeping for purposes of~~  
5 ~~verifying hours completed and ensuring quality home care for~~  
6 ~~in-home recipients.~~

7 *(b) (1) At the option of a county human services department*  
8 *responsible for administering the in-home supportive services*  
9 *pursuant to this article, a provider of services described in*  
10 *paragraph (3) of subdivision (a) may use electronic timekeeping*  
11 *for purposes of verifying hours completed and ensuring quality*  
12 *home care for in-home care recipients.*

13 *(2) A provider of services described in paragraph (3) of*  
14 *subdivision (a) shall retain the option of using paper timesheets,*  
15 *consistent with policies and procedures applicable on December*  
16 *31, 2010.*

17 *(c) Notwithstanding the rulemaking provisions of the*  
18 *Administrative Procedure Act (Chapter 3.5 (commencing with*  
19 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*  
20 *Code), the department may implement and administer this section*  
21 *through all-county letters or similar instructions from the director.*  
22 *Instructions issued pursuant to this subdivision shall be developed*  
23 *in consultation with county human services departments,*  
24 *representatives of providers and recipients, the appropriate public*  
25 *authorities, and other stakeholders.*

26 ~~(e)~~

27 *(d) If any part of this section is found to conflict with federal*  
28 *requirements prescribing conditions for the allocation of federal*  
29 *funds to the state, the conflicting part shall not be implemented,*  
30 *solely to the extent of the conflict. Any regulation adopted pursuant*  
31 *to this section shall be consistent with federal requirements*  
32 *prescribing conditions for the receipt of federal funds by the state.*